

UNITED STATES INTERNATIONAL TRADE COMMISSION
Washington, DC 20436

**MEMORANDUM ON PROPOSED TARIFF LEGISLATION
of the 111th Congress¹**

[Date approved: May 24, 2010]²

Bill No. and sponsor: S. 2634 (Mr. Charles Schumer and Ms. Kristen E. Gillibrand of New York).

Proponent name,³ location: Leviton Manufacturing Co., Inc., Little Neck, NY.

Other bills on product (111th Congress only): None.

Nature of bill: Temporary duty suspension through December 31, 2011.

Retroactive effect: None.

Suggested article description(s) for enactment (including appropriate HTS subheading(s)):

Switches designed for lighting control, activated by dual passive infrared sensors that detect the presence of any occupant of the coverage area, with lens masking for adjusting the field of view of the sensors (provided for in subheading 8536.50.90).

Check one: ☐ Same as that in bill as introduced.
☒ Different from that in bill as introduced (see Technical comments section).

Product information, including uses/applications and source(s) of imports:

The subject switches are occupancy sensor switches that provide hands-free control of lights in a specific lighting area. The subject occupancy sensor switches employ passive infrared technology to detect human or animal presence in a room or lighting area and to respond by turning lights on or off. The switch activates lights when heat or motion is sensed and deactivates lights when the room or lighting area is vacated or unoccupied. The switches may be mounted on walls, but if they are mounted on ceilings they may have a coverage area of up to 360 degrees. Some occupancy switches have manual override features or time delay capability and may have ambient light override functionality to prevent lights from turning on in daylight. Occupancy sensor switches are commonly used in both residential and commercial applications, including offices, restrooms, lounges, indoor garages, and classrooms.

The principal U.S. import sources of occupancy sensor switches are China, Japan, and Mexico.⁴ Dutiable U.S. imports of all products classified in subheading 8536.50.90 (a broader group than is covered by this bill) totaled \$1.2 billion in 2009, of which Mexico supplied \$344.7 million, China \$241.1 million, and Japan \$224.1 million.

¹ Industry analyst preparing report: Michael Anderson (202-205-3249); Tariff Affairs contact: Jan Summers (202-205-2605).

² Access to an electronic copy of this memorandum is available at http://www.usitc.gov/tariff_affairs/congress_reports/.

³ The sponsor/proponent did not identify any additional beneficiaries of this bill.

⁴ Originating goods of Mexico are eligible for duty-free entry under the North American Free Trade Agreement. See HTS general note 12(t), tariff classification rule 120C for chapter 85.

Estimated effect on customs revenue for the subject product classifiable in HTS subheading 8536.50.90:

	2010	2011	2012	2013	2014
Col. 1-General rate of duty	2.7%	2.7%	2.7%	2.7%	2.7%
Estimated value <i>dutiable</i> imports ^a	\$4,000,000	\$4,500,000	\$5,000,000	\$5,500,000	\$6,000,000
Customs revenue loss ^b	\$108,000	\$121,500	\$135,000	\$148,500	\$162,000

a/ Dutiable import estimates were based on industry estimates.

b/ At the request of Congress, customs revenue loss is provided for 5 years, although the effective period of the proposed legislation may differ.

Contacts with domestic firms/organizations (including the proponent):

Name of firm/organization	Date contacted	Claim US makes same or competing product(s)?	Submission attached?	Opposition noted?
		(Yes/No)		
Leviton Manufacturing Co., Inc. (Proponent) Christopher Schodowski, 619-205-8600	03/04/2010	No	No	No
Cooper Industries Terrance Helz, terry.helz@cooperindustries.com	03/04/2010	No	No	No
Eaton Corp. Barry Doggett, barrydoggett@eaton.com	03/04/2010	No	No	No
Emerson Electric Co. Robert McDonald, 202-662-8790	03/04/2010	No	No	No
Ericson Manufacturing Paul Kickel, 440-951-8000	03/04/2010	No	No	No
General Electric Sandy Merber, 202-637-4000	03/04/2010	No	No	No
Hitachi America, Ltd. Carl Green, 202-828-9272	03/04/2010	No	No	No
Hubbell, Inc. Richard Davies, 203-799-4230	03/04/2010	No	No	No
Legrand North America Jude Kravitz, jude.kravitz@legrandna.com	03/04/2010	No	No	No
Lutron Electronics, Inc. John Woodman, 610-282-3800 ext. 615	03/04/2010	No	No	No
National Electrical Manufacturers Assn. (NEMA) Craig Updyke, 703-841-3294	03/04/2010	No	No	No
Siemens Energy and Automation, Inc. Thomas Varney, 770-751-2000	03/04/2010	No	No	No
Technology Research Corp. Owen Farren, 727-535-0572	03/04/2010	No	No	No

Technical comments:⁵

It is suggested that the proposed article description be amended as shown on page 1, to be more consistent with normal HTS usage.

⁵ The Commission may express an opinion on the HTS classification of a product to facilitate consideration of the bill. However, by law, only the U.S. Customs Service is authorized to issue a binding ruling on this matter. The Commission believes that the U.S. Customs Service should be consulted prior to enactment of the bill.

111TH CONGRESS
1ST SESSION

S. 2634

To suspend temporarily the duty on certain occupancy sensor switches.

IN THE SENATE OF THE UNITED STATES

NOVEMBER 2, 2009

Mr. SCHUMER (for himself and Mrs. GILLIBRAND) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To suspend temporarily the duty on certain occupancy sensor switches.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. CERTAIN OCCUPANCY SENSOR SWITCHES.**

4 (a) IN GENERAL.—Subchapter II of chapter 99 of
5 the Harmonized Tariff Schedule of the United States is
6 amended by inserting in numerical sequence the following
7 new heading:

“	9902.01.00	Switches for lighting control, activated by dual passive infrared sensors which detects presence of occupant in a room or office and with lens masking for sensor field of view adjustment (provided for in subheading 8536.50.90) ...	Free	No change	No change	On or before 12/31/2011	”.
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1 (b) EFFECTIVE DATE.—The amendment made by
2 subsection (a) applies to goods entered, or withdrawn from
3 warehouse for consumption, on or after the 15th day after
4 the date of the enactment of this Act.

